IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4116 of 2008

1. BAUA SAHANI
S/o- Rameshwar Sahani
2. Munna Sahani
Both resident of village Jamalpur Tole Bhulli
P.S.- Jamalpur, District – Darbhanga

Versus

THE STATE OF BIHAR

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4. 07.11.2008 Heard learned counsel for the petitioner and the State.

Petitioners are accused in a case registered for the offences under Sections 302, 201 and 120B of the Indian Penal Code and Under Section 3 and 4 of the Dowry Prohibition Act.

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The allegation against the petitioners is to the effect that petitioner no.1 after killing the daughter of the informant, held a meeting at his door with regard to disposal of the body. There is no specific allegation against petitioner no.2 in the Fardbeyan.

It is submitted that the specific allegation with regard to killing of the daughter of the informant in the manner alleged is against the other co-accused persons, not against these petitioners. Besides the above, in the statement under Section 164 Cr.P.C. the informant has stated that these petitioners have not committed any crime. However, the name of the petitioners were mentioned although after making an enquiry it was found that these

petitioners were not involved in disposing of the body of the daughter of the informant. A supplementary affidavit has been filed on behalf of the petitioners annexing the copy of the statement under Section 164 Cr.P.C.

Learned counsel for the State on perusal of the allegation made in the Fardbeyan and statement of the informant under section 164 Cr.P.C. is not in a position to refute the submissions on behalf of the petitioners.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners named above be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Biraul at Benipur in Jamalpur District Darbhanga in connection with Jamalpur P.S. Case No. 32 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Jagdish/- **(Shailesh Kumar Sinha,J)**